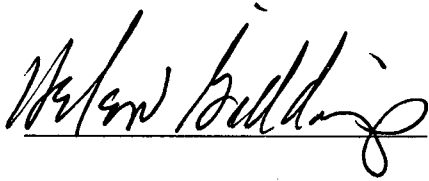


I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

**FILED** FEB 26 2007

By:



H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1           (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5           Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8                   (1) a doctor performing peer review of dental  
9 services;

10                   (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13                   (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16                   (4) a doctor performing a required dental examination.

17           (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20           Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a chiropractor who performs chiropractic  
22 services under this title as:

23                   (1) a doctor performing peer review of chiropractic  
24 services;

25                   (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic.

14          Sec. 408.0046. RULES. The commissioner may adopt rules as  
15 necessary to determine which professional health practitioner  
16 specialties are appropriate for treatment of certain compensable  
17 injuries.

18          SECTION 2. Section 408.004, Labor Code, is amended by  
19 adding Subsection (a-1) to read as follows:

20          (a-1) A doctor, other than a chiropractor, who performs a  
21 required medical examination under this section is subject to  
22 Section 408.0043. A chiropractor who performs a required medical  
23 examination under this section is subject to Section 408.0045.

24          SECTION 3. Section 408.0041(b), Labor Code, is amended to  
25 read as follows:

26          (b) A medical examination requested under Subsection (a)  
27 shall be performed by the next available doctor on the division's

1 list of designated doctors whose credentials are appropriate for  
2 the issue in question and the injured employee's medical condition  
3 as determined by commissioner rule. A designated doctor, other than  
4 a chiropractor, is subject to Section 408.0043. A designated  
5 doctor who is a chiropractor is subject to Section 408.0045. The  
6 division shall assign a designated doctor not later than the 10th  
7 day after the date on which the request under Subsection (a) is  
8 approved, and the examination must be conducted not later than the  
9 21st day after the date on which the commissioner issues the order  
10 under Subsection (a). An examination under this section may not be  
11 conducted more frequently than every 60 days, unless good cause for  
12 more frequent examinations exists, as defined by commissioner  
13 rules.

14 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
15 read as follows:

16 (g) The commissioner shall adopt rules regarding doctors  
17 who perform peer review functions for insurance carriers. Those  
18 rules may include standards for peer review, imposition of  
19 sanctions on doctors performing peer review functions, including  
20 restriction, suspension, or removal of the doctor's ability to  
21 perform peer review on behalf of insurance carriers in the workers'  
22 compensation system, and other issues important to the quality of  
23 peer review, as determined by the commissioner. A doctor who  
24 performs peer review under this subtitle must hold the appropriate  
25 professional license issued by this state. A doctor, other than a  
26 chiropractor or a dentist, who performs peer review is subject to  
27 Section 408.0043. A dentist who performs a peer review of a dental

1 service provided to an injured employee is subject to Section  
2 408.0044. A chiropractor who performs a peer review of a  
3 chiropractic service provided to an injured employee is subject to  
4 Section 408.0045.

5 SECTION 5. Section 408.1225, Labor Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) A designated doctor, other than a chiropractor, is  
8 subject to Section 408.0043. A designated doctor who is a  
9 chiropractor is subject to Section 408.0045.

10 SECTION 6. Section 413.031, Labor Code, is amended by  
11 amending Subsections (d) and (e) and adding Subsection (e-3) to  
12 read as follows:

13 (d) A review of the medical necessity of a health care  
14 service requiring preauthorization under Section 413.014 or  
15 commissioner rules under that section or Section 413.011(g) shall  
16 be conducted by an independent review organization under Chapter  
17 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
18 reviews of utilization review decisions by health maintenance  
19 organizations. It is a defense for the insurance carrier if the  
20 carrier timely complies with the decision of the independent review  
21 organization.

22 (e) Except as provided by Subsections (d), (f), and (m), a  
23 review of the medical necessity of a health care service provided  
24 under this chapter or Chapter 408 shall be conducted by an  
25 independent review organization under Chapter 4202 [~~Article~~  
26 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
27 utilization review decisions by health maintenance organizations.

1 It is a defense for the insurance carrier if the carrier timely  
2 complies with the decision of the independent review organization.

3 (e-3) Notwithstanding Subsections (d) and (e) of this  
4 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
5 than a dentist or a chiropractor, who performs a utilization review  
6 or an independent review, including a retrospective review, of a  
7 health care service provided to an injured employee is subject to  
8 Section 408.0043. A dentist who performs a utilization review or an  
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10 service provided to an injured employee is subject to Section  
11 408.0044. A chiropractor who performs a utilization review or an  
12 independent review, including a retrospective review, of a  
13 chiropractic service provided to an injured employee is subject to  
14 Section 408.0045.

15 SECTION 7. Section 413.0512, Labor Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) A member of the medical quality review panel, other than  
18 a chiropractor, who reviews a specific workers' compensation case  
19 is subject to Section 408.0043. A chiropractor who reviews a  
20 specific workers' compensation case is subject to Section 408.0045.

21 SECTION 8. The change in law made by this Act applies only  
22 to a review of a health care service provided under a claim for  
23 workers' compensation benefits that is conducted on or after the  
24 effective date of this Act. A review that is conducted before that  
25 date is governed by the law in effect on the date that the review was  
26 conducted, and the former law is continued in effect for that  
27 purpose.

1           SECTION 9.   This Act takes effect September 1, 2007.

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

PM 11:06  
7 MAR 30 PM 11:06  
SE OF REPRESENTATIVE

By: Giddings

H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

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(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
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15 retrospective review; or

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19 compensation case must be licensed to practice dentistry.

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26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

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2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

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5 services;

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7 examination; or

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9 quality review panel.

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2 the issue in question and the injured employee's medical condition  
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19 sanctions on doctors performing peer review functions, including  
20 restriction, suspension, or removal of the doctor's ability to  
21 perform peer review on behalf of insurance carriers in the workers'  
22 compensation system, and other issues important to the quality of  
23 peer review, as determined by the commissioner. A doctor who  
24 performs peer review under this subtitle must hold the appropriate  
25 professional license issued by this state. A doctor, other than a  
26 chiropractor or a dentist, who performs peer review is subject to  
27 Section 408.0043. A dentist who performs a peer review of a dental

1 service provided to an injured employee is subject to Section  
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18 reviews of utilization review decisions by health maintenance  
19 organizations. It is a defense for the insurance carrier if the  
20 carrier timely complies with the decision of the independent review  
21 organization.

22 (e) Except as provided by Subsections (d), (f), and (m), a  
23 review of the medical necessity of a health care service provided  
24 under this chapter or Chapter 408 shall be conducted by an  
25 independent review organization under Chapter 4202 [~~Article~~  
26 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
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1 It is a defense for the insurance carrier if the carrier timely  
2 complies with the decision of the independent review organization.

3 (e-3) Notwithstanding Subsections (d) and (e) of this  
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17 (f) A member of the medical quality review panel, other than  
18 a chiropractor, who reviews a specific workers' compensation case  
19 is subject to Section 408.0043. A chiropractor who reviews a  
20 specific workers' compensation case is subject to Section 408.0045.

21 SECTION 8. The change in law made by this Act applies only  
22 to a review of a health care service provided under a claim for  
23 workers' compensation benefits that is conducted on or after the  
24 effective date of this Act. A review that is conducted before that  
25 date is governed by the law in effect on the date that the review was  
26 conducted, and the former law is continued in effect for that  
27 purpose.

H.B. No. 2004

1       SECTION 9. This Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

3/27/07  
(date)

Sir:

We, your COMMITTEE ON BUSINESS AND INDUSTRY

to whom was referred HB 2004 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Giddings, Chair	X			
Elkins, Vice-chair	X			
Darby, CBO	X			
Bailey				X
Bohac	X			
Castro	X			
Martinez				X
Solomons	X			
Zedler	X			

Total      7      aye  
                 0      nay  
                 0      present, not voting.  
                 2      absent

Helene Giddings  
CHAIR

## **BILL ANALYSIS**

H.B. 2004  
By: Giddings  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, a doctor reviewing a case in the workers' compensation system does not need to be certified in a specialty appropriate to the care that the worker is receiving. Anecdotal evidence has been heard about a general practitioner reviewing a case of a complex surgery, and rendering an opinion.

Wrongful denials can be devastating for the patient. This legislation is aimed at making sure that doctors reviewing a case have the necessary expertise to make good medical decisions and reduce the number of wrongful denials.

House Bill 2004 requires a doctor reviewing a workers' compensation case to be certified in a specialty appropriate to the type of care an injured employee is receiving. The bill specifies that chiropractors will review chiropractic services and dentists will review dental services. The bill authorizes the commissioner of workers' compensation to make rules to define which specialties are appropriate to review which types of injuries.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

### **ANALYSIS**

House Bill 2004 amends the Labor Code to require physicians performing health care services in the workers' compensation system, including providing certain reviews of services and performing certain medical exams, to hold a professional certification in a health care specialty appropriate to the type of health care that the injured employee is receiving. The bill requires doctors performing dental services in the workers' compensation system, including providing certain reviews of services and performing certain dental examinations, to be licensed to practice dentistry. The bill requires chiropractors performing chiropractic services in the workers' compensation system, including providing certain reviews of services or performing certain medical examinations, to be licensed to engage in the practice of chiropractic. The bill authorizes the commissioner of workers' compensation to adopt rules as necessary to determine which professional health care practitioner specialties are appropriate for treatment of certain compensable injuries. The bill makes conforming and nonsubstantive changes.

### **EFFECTIVE DATE**

September 1, 2007.

## SUMMARY OF COMMITTEE ACTION

HB 2004

March 20, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 27, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Reported favorably without amendment(s)

2  
+

WITNESS LIST

HB 2004  
HOUSE COMMITTEE REPORT  
Business & Industry Committee

March 20, 2007 - 2:00 PM or upon final adjourn./recess

For: Norwood MD, Stephen (Texas Medical Assn)

Registering, but not testifying:

For: Levy, Rick (TX AFL-CIO)  
Smith MD, Charlotte H. (Texas Medical Assn)

On: Darwin, Norman (OIEC)  
Lee, Amy (Texas Department of Insurance)

3  
1

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 19, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2004** by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, JRO, SK

SECOND READING  
ENGROSSMENT

By: Giddings

H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

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(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

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(5) a doctor performing a required medical examination; or

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1        (b) A person described by Subsection (a) who reviews a  
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9 services;

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13               (3) a doctor performing an independent review of a  
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21 organization.

22 (e) Except as provided by Subsections (d), (f), and (m), a  
23 review of the medical necessity of a health care service provided  
24 under this chapter or Chapter 408 shall be conducted by an  
25 independent review organization under Chapter 4202 [~~Article~~  
26 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
27 utilization review decisions by health maintenance organizations.

1 It is a defense for the insurance carrier if the carrier timely  
2 complies with the decision of the independent review organization.

3 (e-3) Notwithstanding Subsections (d) and (e) of this  
4 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
5 than a dentist or a chiropractor, who performs a utilization review  
6 or an independent review, including a retrospective review, of a  
7 health care service provided to an injured employee is subject to  
8 Section 408.0043. A dentist who performs a utilization review or an  
9 independent review, including a retrospective review, of a dental  
10 service provided to an injured employee is subject to Section  
11 408.0044. A chiropractor who performs a utilization review or an  
12 independent review, including a retrospective review, of a  
13 chiropractic service provided to an injured employee is subject to  
14 Section 408.0045.

15 SECTION 7. Section 413.0512, Labor Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) A member of the medical quality review panel, other than  
18 a chiropractor, who reviews a specific workers' compensation case  
19 is subject to Section 408.0043. A chiropractor who reviews a  
20 specific workers' compensation case is subject to Section 408.0045.

21 SECTION 8. The change in law made by this Act applies only  
22 to a review of a health care service provided under a claim for  
23 workers' compensation benefits that is conducted on or after the  
24 effective date of this Act. A review that is conducted before that  
25 date is governed by the law in effect on the date that the review was  
26 conducted, and the former law is continued in effect for that  
27 purpose.

H.B. No. 2004

1        SECTION 9.    This Act takes effect September 1, 2007.

# HOUSE ENGROSSMENT

By: Giddings

H.B. No. 2004

## A BILL TO BE ENTITLED

### AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8                (1) a doctor performing peer review of dental  
9 services;

10               (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13               (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16               (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a chiropractor who performs chiropractic  
22 services under this title as:

23               (1) a doctor performing peer review of chiropractic  
24 services;

25               (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic.

14          Sec. 408.0046. RULES. The commissioner may adopt rules as  
15 necessary to determine which professional health practitioner  
16 specialties are appropriate for treatment of certain compensable  
17 injuries.

18          SECTION 2. Section 408.004, Labor Code, is amended by  
19 adding Subsection (a-1) to read as follows:

20          (a-1) A doctor, other than a chiropractor, who performs a  
21 required medical examination under this section is subject to  
22 Section 408.0043. A chiropractor who performs a required medical  
23 examination under this section is subject to Section 408.0045.

24          SECTION 3. Section 408.0041(b), Labor Code, is amended to  
25 read as follows:

26          (b) A medical examination requested under Subsection (a)  
27 shall be performed by the next available doctor on the division's

1 list of designated doctors whose credentials are appropriate for  
2 the issue in question and the injured employee's medical condition  
3 as determined by commissioner rule. A designated doctor, other than  
4 a chiropractor, is subject to Section 408.0043. A designated  
5 doctor who is a chiropractor is subject to Section 408.0045. The  
6 division shall assign a designated doctor not later than the 10th  
7 day after the date on which the request under Subsection (a) is  
8 approved, and the examination must be conducted not later than the  
9 21st day after the date on which the commissioner issues the order  
10 under Subsection (a). An examination under this section may not be  
11 conducted more frequently than every 60 days, unless good cause for  
12 more frequent examinations exists, as defined by commissioner  
13 rules.

14 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
15 read as follows:

16 (g) The commissioner shall adopt rules regarding doctors  
17 who perform peer review functions for insurance carriers. Those  
18 rules may include standards for peer review, imposition of  
19 sanctions on doctors performing peer review functions, including  
20 restriction, suspension, or removal of the doctor's ability to  
21 perform peer review on behalf of insurance carriers in the workers'  
22 compensation system, and other issues important to the quality of  
23 peer review, as determined by the commissioner. A doctor who  
24 performs peer review under this subtitle must hold the appropriate  
25 professional license issued by this state. A doctor, other than a  
26 chiropractor or a dentist, who performs peer review is subject to  
27 Section 408.0043. A dentist who performs a peer review of a dental

1 service provided to an injured employee is subject to Section  
2 408.0044. A chiropractor who performs a peer review of a  
3 chiropractic service provided to an injured employee is subject to  
4 Section 408.0045.

5 SECTION 5. Section 408.1225, Labor Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) A designated doctor, other than a chiropractor, is  
8 subject to Section 408.0043. A designated doctor who is a  
9 chiropractor is subject to Section 408.0045.

10 SECTION 6. Section 413.031, Labor Code, is amended by  
11 amending Subsections (d) and (e) and adding Subsection (e-3) to  
12 read as follows:

13 (d) A review of the medical necessity of a health care  
14 service requiring preauthorization under Section 413.014 or  
15 commissioner rules under that section or Section 413.011(g) shall  
16 be conducted by an independent review organization under Chapter  
17 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
18 reviews of utilization review decisions by health maintenance  
19 organizations. It is a defense for the insurance carrier if the  
20 carrier timely complies with the decision of the independent review  
21 organization.

22 (e) Except as provided by Subsections (d), (f), and (m), a  
23 review of the medical necessity of a health care service provided  
24 under this chapter or Chapter 408 shall be conducted by an  
25 independent review organization under Chapter 4202 [~~Article~~  
26 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
27 utilization review decisions by health maintenance organizations.

1 It is a defense for the insurance carrier if the carrier timely  
2 complies with the decision of the independent review organization.

3 (e-3) Notwithstanding Subsections (d) and (e) of this  
4 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
5 than a dentist or a chiropractor, who performs a utilization review  
6 or an independent review, including a retrospective review, of a  
7 health care service provided to an injured employee is subject to  
8 Section 408.0043. A dentist who performs a utilization review or an  
9 independent review, including a retrospective review, of a dental  
10 service provided to an injured employee is subject to Section  
11 408.0044. A chiropractor who performs a utilization review or an  
12 independent review, including a retrospective review, of a  
13 chiropractic service provided to an injured employee is subject to  
14 Section 408.0045.

15 SECTION 7. Section 413.0512, Labor Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) A member of the medical quality review panel, other than  
18 a chiropractor, who reviews a specific workers' compensation case  
19 is subject to Section 408.0043. A chiropractor who reviews a  
20 specific workers' compensation case is subject to Section 408.0045.

21 SECTION 8. The change in law made by this Act applies only  
22 to a review of a health care service provided under a claim for  
23 workers' compensation benefits that is conducted on or after the  
24 effective date of this Act. A review that is conducted before that  
25 date is governed by the law in effect on the date that the review was  
26 conducted, and the former law is continued in effect for that  
27 purpose.

1       SECTION 9.   This Act takes effect September 1, 2007.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 19, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2004** by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, JRO, SK

By: Giddings (Senate Sponsor - Lucio) H.B. No. 2004  
(In the Senate - Received from the House April 12, 2007;  
April 12, 2007, read first time and referred to Committee on State  
Affairs; May 3, 2007, reported adversely, with favorable Committee  
Substitute by the following vote: Yeas 9, Nays 0; May 3, 2007,  
sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 2004

By: Lucio

A BILL TO BE ENTITLED  
AN ACT

relating to requiring that a doctor who reviews a workers'  
compensation case be certified in a professional specialty  
appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is  
amended by adding Sections 408.0043 through 408.0046 to read as  
follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION  
REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person,  
other than a chiropractor or a dentist, who performs health care  
services under this title as:

(1) a doctor performing peer review;  
(2) a doctor performing a utilization review of a  
health care service provided to an injured employee, including a  
retrospective review;

(3) a doctor performing an independent review of a  
health care service provided to an injured employee, including a  
retrospective review;

(4) a designated doctor;  
(5) a doctor performing a required medical  
examination; or

(6) a doctor serving as a member of the medical quality  
review panel.

(b) A person described by Subsection (a) who reviews a  
specific workers' compensation case must hold a professional  
certification in a health care specialty appropriate to the type of  
health care that the injured employee is receiving.

Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
applies to a dentist who performs dental services under this title  
as:

(1) a doctor performing peer review of dental  
services;

(2) a doctor performing a utilization review of a  
dental service provided to an injured employee, including a  
retrospective review;

(3) a doctor performing an independent review of a  
dental service provided to an injured employee, including a  
retrospective review; or

(4) a doctor performing a required dental examination.

(b) A person described by Subsection (a) who reviews a  
dental service provided in conjunction with a specific workers'  
compensation case must be licensed to practice dentistry.

Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
section applies to a person who performs services under this title  
as:

(1) a doctor performing peer review of chiropractic  
services;

(2) a doctor performing a utilization review of a  
chiropractic service provided to an injured employee, including a  
retrospective review;

(3) a doctor performing an independent review of a  
chiropractic service provided to an injured employee, including a  
retrospective review;

(4) a designated doctor providing chiropractic

services;

(5) a doctor performing a required medical examination; or

(6) a chiropractor serving as a member of the medical quality review panel.

(b) A person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case must be licensed to engage in the practice of chiropractic or must be a physician licensed to engage in the practice of medicine who is certified in an appropriate medical specialty.

Sec. 408.0046. RULES. The commissioner may adopt rules as necessary to determine which professional health practitioner specialties are appropriate for treatment of certain compensable injuries.

SECTION 2. Section 408.004, Labor Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A doctor, other than a chiropractor, who performs a required medical examination under this section is subject to Section 408.0043. A chiropractor who performs a required medical examination under this section is subject to Section 408.0045.

SECTION 3. Section 408.0041(b), Labor Code, is amended to read as follows:

(b) A medical examination requested under Subsection (a) shall be performed by the next available doctor on the division's list of designated doctors whose credentials are appropriate for the issue in question and the injured employee's medical condition as determined by commissioner rule. A designated doctor, other than a chiropractor, is subject to Section 408.0043. A designated doctor who is a chiropractor is subject to Section 408.0045. The division shall assign a designated doctor not later than the 10th day after the date on which the request under Subsection (a) is approved, and the examination must be conducted not later than the 21st day after the date on which the commissioner issues the order under Subsection (a). An examination under this section may not be conducted more frequently than every 60 days, unless good cause for more frequent examinations exists, as defined by commissioner rules.

SECTION 4. Section 408.0231(g), Labor Code, is amended to read as follows:

(g) The commissioner shall adopt rules regarding doctors who perform peer review functions for insurance carriers. Those rules may include standards for peer review, imposition of sanctions on doctors performing peer review functions, including restriction, suspension, or removal of the doctor's ability to perform peer review on behalf of insurance carriers in the workers' compensation system, and other issues important to the quality of peer review, as determined by the commissioner. A doctor who performs peer review under this subtitle must hold the appropriate professional license issued by this state. A doctor, other than a chiropractor or a dentist, who performs peer review is subject to Section 408.0043. A dentist who performs a peer review of a dental service provided to an injured employee is subject to Section 408.0044. A chiropractor who performs a peer review of a chiropractic service provided to an injured employee is subject to Section 408.0045.

SECTION 5. Section 408.1225, Labor Code, is amended by adding Subsection (e) to read as follows:

(e) A designated doctor, other than a chiropractor, is subject to Section 408.0043. A designated doctor who is a chiropractor is subject to Section 408.0045.

SECTION 6. Section 413.031, Labor Code, is amended by amending Subsections (d) and (e) and adding Subsection (e-3) to read as follows:

(d) A review of the medical necessity of a health care service requiring preauthorization under Section 413.014 or commissioner rules under that section or Section 413.011(g) shall be conducted by an independent review organization under Chapter 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as

3-1 reviews of utilization review decisions by health maintenance  
3-2 organizations. It is a defense for the insurance carrier if the  
3-3 carrier timely complies with the decision of the independent review  
3-4 organization.

3-5 (e) Except as provided by Subsections (d), (f), and (m), a  
3-6 review of the medical necessity of a health care service provided  
3-7 under this chapter or Chapter 408 shall be conducted by an  
3-8 independent review organization under Chapter 4202 [~~Article~~  
3-9 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
3-10 utilization review decisions by health maintenance organizations.  
3-11 It is a defense for the insurance carrier if the carrier timely  
3-12 complies with the decision of the independent review organization.

3-13 (e-3) Notwithstanding Subsections (d) and (e) of this  
3-14 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
3-15 than a dentist or a chiropractor, who performs a utilization review  
3-16 or an independent review, including a retrospective review, of a  
3-17 health care service provided to an injured employee is subject to  
3-18 Section 408.0043. A dentist who performs a utilization review or an  
3-19 independent review, including a retrospective review, of a dental  
3-20 service provided to an injured employee is subject to Section  
3-21 408.0044. A chiropractor who performs a utilization review or an  
3-22 independent review, including a retrospective review, of a  
3-23 chiropractic service provided to an injured employee is subject to  
3-24 Section 408.0045.

3-25 SECTION 7. Section 413.0512, Labor Code, is amended by  
3-26 adding Subsection (f) to read as follows:

3-27 (f) A member of the medical quality review panel, other than  
3-28 a chiropractor, who reviews a specific workers' compensation case  
3-29 is subject to Section 408.0043. A chiropractor who reviews a  
3-30 specific workers' compensation case is subject to Section 408.0045.

3-31 SECTION 8. The change in law made by this Act applies only  
3-32 to a review of a health care service provided under a claim for  
3-33 workers' compensation benefits that is conducted on or after the  
3-34 effective date of this Act. A review that is conducted before that  
3-35 date is governed by the law in effect on the date that the review was  
3-36 conducted, and the former law is continued in effect for that  
3-37 purpose.

3-38 SECTION 9. This Act takes effect September 1, 2007.

3-39 \* \* \* \* \*

FAVORABLY AS SUBSTITUTED  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR

2004

By Giddings / Lucio

(Author/Senate Sponsor)

5-3-07

(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,  
have on 4-30-07, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☒ do pass as substituted, and be printed  
☒ the caption remained the same as original measure  
☐ the caption changed with adoption of the substitute  
  
☐ do pass as substituted, and be ordered not printed  
  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

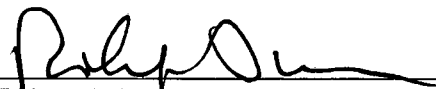
The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Robert Duncan, Chair	<u>  /  </u>			
Senator Tommy Williams, Vice-Chair	<u>  /  </u>			
Senator John Carona	<u>  /  </u>			
Senator Rodney Ellis	<u>  /  </u>			
Senator Troy Fraser	<u>  /  </u>			
Senator Chris Harris	<u>  /  </u>			
Senator Mike Jackson	<u>  /  </u>			
Senator Eddie Lucio	<u>  /  </u>			
Senator Leticia Van de Putte	<u>  /  </u>			
TOTAL VOTES	<u>  9  </u>	<u>  0  </u>	<u>  0  </u>	<u>  0  </u>

COMMITTEE ACTION

7  
S260 Considered in public hearing  
S270 Testimony taken

  
COMMITTEE CLERK

  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute  
Retain one copy of this form for Committee files

WITNESS LIST

HB 2004

Senate Committee Report

State Affairs

April 30, 2007 - 9:00 AM

FOR:

DeWitt, Cathy (Texas Association of Business), Austin, TX

Smith, M.D., Charlotte H. (Texas Medical Association), Austin, TX

AGAINST:

Smith, DO, Stephen L. (Self), Fredericksburg, TX

Registering, but not testifying:

For:

Arterburn, David (United Transportation Union), Amarillo, TX

Campbell, Ben (TCA), Dripping Springs, TX

Cunningham, Michael (Texas Building and Construction Trades Council, AFL-CIO),  
Austin, TX

English, Jr., C.M. (United Transportation Union), Austin, TX

House, Marc (United Auto Workers), Arlington, TX

Levy, Rick (Texas AFL-CIO), Austin, TX

On:

Lazaretti, Margaret (Texas Department of Insurance), Austin, TX

Watch, Brent (Texas Department of Insurance, Division of Workers' Compensation),  
Austin, TX

## **BILL ANALYSIS**

Senate Research Center  
80R18152 E

C.S.H.B. 2004  
By: Giddings (Lucio)  
State Affairs  
5/2/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not require doctors reviewing certain workers' compensation cases to have a specialty related to the injury.

C.S.H.B. 2004 requires that the reviewing physician in certain reviews of a workers' compensation case be specialized in the area of injury involved in the particular case. This requirement extends to a physician, dentist, or chiropractor conducting a peer review, retrospective review, or required examination, in addition to a designated doctor or physician member of the medical quality review panel.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 (Section 408.0046, Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 408, Labor Code, by adding Sections 408.0043 through 408.0046, as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) Provides that this section applies to certain health professionals.

(b) Requires a person described by Subsection (a) who reviews a specific workers' compensation case to hold a professional certification in a health care specialty appropriate to the type of health care that the injured employee is receiving.

Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) Provides that this section applies to certain dentists.

(b) Requires a person described in Subsection (a) who reviews a dental service provided in conjunction with a specific worker's compensation case to be licensed to practice dentistry.

Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) Provides that this section applies to certain persons reviewing chiropractic services or providing certain chiropractic services.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic or be a physician licensed to engage in the practice of medicine who is certified in an appropriate medical specialty.

Sec. 408.0046. RULES. Authorizes the commissioner of workers' compensation to adopt rules as necessary to determine which professional health practitioner specialties are appropriate for treatment of certain compensable injuries.

SECTION 2. Amends Section 408.004, Labor Code, by adding Subsection (a-1), to provide that a doctor, other than a chiropractor, who performs a required medical examination under this section (Required Medical Examinations; Administrative Violation) is subject to Section 408.0043, and that a chiropractor who performs a required medical examination under this section is subject to Section 408.0045.

SECTION 3. Amends Section 408.0041(b), Labor Code, to make conforming changes.

SECTION 4. Amends Section 408.0231(g), Labor Code, to make conforming changes.

SECTION 5. Amends Section 408.1225, Labor Code, by adding Subsection (e), to make conforming changes.

SECTION 6. Amends Section 413.031, Labor Code, by amending Subsections (d) and (e) and adding Subsection (e-3), as follows:

(d) Requires certain medical reviews to be conducted by an independent review organization under Chapter 4202 (Independent Review Organizations), rather than Article 21.58C, Insurance Code, in a certain manner.

(e) Makes a conforming change.

(e-3) Makes conforming changes.

SECTION 7. Amends Section 413.0512, Labor Code, by adding Subsection (f), to make conforming changes.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2007.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 2, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2004** by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, KJG, JRO, SK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 27, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HB2004 by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), As Engrossed

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, KJG, JRO, SK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 19, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2004** by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, JRO, SK

# ADOPTED

MAY 08 2007

*Atty. Gen.*  
Secretary of the Senate

By: Giddings (Lucio)

H.B. No. 2004

Substitute the following for \_\_.B. No. \_\_\_\_:

By: Edna Lucio, Jr.

C.S. \_\_.B. No. \_\_\_\_

## A BILL TO BE ENTITLED

### AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8                (1) a doctor performing peer review of dental  
9 services;

10               (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13               (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16               (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a person who performs services under this title  
22 as:

23               (1) a doctor performing peer review of chiropractic  
24 services;

25               (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic or must be a physician licensed to engage  
14 in the practice of medicine who is certified in an appropriate  
15 medical specialty.

16          Sec. 408.0046. RULES. The commissioner may adopt rules as  
17 necessary to determine which professional health practitioner  
18 specialties are appropriate for treatment of certain compensable  
19 injuries.

20          SECTION 2. Section 408.004, Labor Code, is amended by  
21 adding Subsection (a-1) to read as follows:

22          (a-1) A doctor, other than a chiropractor, who performs a  
23 required medical examination under this section is subject to  
24 Section 408.0043. A chiropractor who performs a required medical  
25 examination under this section is subject to Section 408.0045.

26          SECTION 3. Section 408.0041(b), Labor Code, is amended to  
27 read as follows:

1 (b) A medical examination requested under Subsection (a)  
2 shall be performed by the next available doctor on the division's  
3 list of designated doctors whose credentials are appropriate for  
4 the issue in question and the injured employee's medical condition  
5 as determined by commissioner rule. A designated doctor, other than  
6 a chiropractor, is subject to Section 408.0043. A designated  
7 doctor who is a chiropractor is subject to Section 408.0045. The  
8 division shall assign a designated doctor not later than the 10th  
9 day after the date on which the request under Subsection (a) is  
10 approved, and the examination must be conducted not later than the  
11 21st day after the date on which the commissioner issues the order  
12 under Subsection (a). An examination under this section may not be  
13 conducted more frequently than every 60 days, unless good cause for  
14 more frequent examinations exists, as defined by commissioner  
15 rules.

16 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
17 read as follows:

18 (g) The commissioner shall adopt rules regarding doctors  
19 who perform peer review functions for insurance carriers. Those  
20 rules may include standards for peer review, imposition of  
21 sanctions on doctors performing peer review functions, including  
22 restriction, suspension, or removal of the doctor's ability to  
23 perform peer review on behalf of insurance carriers in the workers'  
24 compensation system, and other issues important to the quality of  
25 peer review, as determined by the commissioner. A doctor who  
26 performs peer review under this subtitle must hold the appropriate  
27 professional license issued by this state. A doctor, other than a

1 chiropractor or a dentist, who performs peer review is subject to  
2 Section 408.0043. A dentist who performs a peer review of a dental  
3 service provided to an injured employee is subject to Section  
4 408.0044. A chiropractor who performs a peer review of a  
5 chiropractic service provided to an injured employee is subject to  
6 Section 408.0045.

7 SECTION 5. Section 408.1225, Labor Code, is amended by  
8 adding Subsection (e) to read as follows:

9 (e) A designated doctor, other than a chiropractor, is  
10 subject to Section 408.0043. A designated doctor who is a  
11 chiropractor is subject to Section 408.0045.

12 SECTION 6. Section 413.031, Labor Code, is amended by  
13 amending Subsections (d) and (e) and adding Subsection (e-3) to  
14 read as follows:

15 (d) A review of the medical necessity of a health care  
16 service requiring preauthorization under Section 413.014 or  
17 commissioner rules under that section or Section 413.011(g) shall  
18 be conducted by an independent review organization under Chapter  
19 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
20 reviews of utilization review decisions by health maintenance  
21 organizations. It is a defense for the insurance carrier if the  
22 carrier timely complies with the decision of the independent review  
23 organization.

24 (e) Except as provided by Subsections (d), (f), and (m), a  
25 review of the medical necessity of a health care service provided  
26 under this chapter or Chapter 408 shall be conducted by an  
27 independent review organization under Chapter 4202 [~~Article~~

1 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
2 utilization review decisions by health maintenance organizations.  
3 It is a defense for the insurance carrier if the carrier timely  
4 complies with the decision of the independent review organization.

5 (e-3) Notwithstanding Subsections (d) and (e) of this  
6 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
7 than a dentist or a chiropractor, who performs a utilization review  
8 or an independent review, including a retrospective review, of a  
9 health care service provided to an injured employee is subject to  
10 Section 408.0043. A dentist who performs a utilization review or an  
11 independent review, including a retrospective review, of a dental  
12 service provided to an injured employee is subject to Section  
13 408.0044. A chiropractor who performs a utilization review or an  
14 independent review, including a retrospective review, of a  
15 chiropractic service provided to an injured employee is subject to  
16 Section 408.0045.

17 SECTION 7. Section 413.0512, Labor Code, is amended by  
18 adding Subsection (f) to read as follows:

19 (f) A member of the medical quality review panel, other than  
20 a chiropractor, who reviews a specific workers' compensation case  
21 is subject to Section 408.0043. A chiropractor who reviews a  
22 specific workers' compensation case is subject to Section 408.0045.

23 SECTION 8. The change in law made by this Act applies only  
24 to a review of a health care service provided under a claim for  
25 workers' compensation benefits that is conducted on or after the  
26 effective date of this Act. A review that is conducted before that  
27 date is governed by the law in effect on the date that the review was

1 conducted, and the former law is continued in effect for that  
2 purpose.

3 SECTION 9. This Act takes effect September 1, 2007.

ADOPTED

MAY 08 2007

*Atay Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*Lucio*

1 Amend C.S.H.B. No. 2004, senate committee printing, in  
2 SECTION 1 of the bill, in added Section 408.0046, Labor Code (page  
3 2, line 15), by inserting the following after "injuries.":  
4 The rules adopted under this section must require an entity  
5 requesting a peer review to obtain and provide to the doctor  
6 providing peer review services all relevant and updated medical  
7 records.

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

07 MAY -8 PM 8: 51

HOUSE OF REPRESENTATIVES

By: Giddings

H.B. No. 2004

## A BILL TO BE ENTITLED

### AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8            (1) a doctor performing peer review of dental  
9 services;

10           (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13           (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16           (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a chiropractor who performs chiropractic  
22 services under this title as:

23           (1) a doctor performing peer review of chiropractic  
24 services;

25           (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic.

14          Sec. 408.0046. RULES. The commissioner may adopt rules as  
15 necessary to determine which professional health practitioner  
16 specialties are appropriate for treatment of certain compensable  
17 injuries.

18          SECTION 2. Section 408.004, Labor Code, is amended by  
19 adding Subsection (a-1) to read as follows:

20          (a-1) A doctor, other than a chiropractor, who performs a  
21 required medical examination under this section is subject to  
22 Section 408.0043. A chiropractor who performs a required medical  
23 examination under this section is subject to Section 408.0045.

24          SECTION 3. Section 408.0041(b), Labor Code, is amended to  
25 read as follows:

26          (b) A medical examination requested under Subsection (a)  
27 shall be performed by the next available doctor on the division's

list of designated doctors whose credentials are appropriate for the issue in question and the injured employee's medical condition as determined by commissioner rule. A designated doctor, other than a chiropractor, is subject to Section 408.0043. A designated doctor who is a chiropractor is subject to Section 408.0045. The division shall assign a designated doctor not later than the 10th day after the date on which the request under Subsection (a) is approved, and the examination must be conducted not later than the 21st day after the date on which the commissioner issues the order under Subsection (a). An examination under this section may not be conducted more frequently than every 60 days, unless good cause for more frequent examinations exists, as defined by commissioner rules.

SECTION 4. Section 408.0231(g), Labor Code, is amended to read as follows:

(g) The commissioner shall adopt rules regarding doctors who perform peer review functions for insurance carriers. Those rules may include standards for peer review, imposition of sanctions on doctors performing peer review functions, including restriction, suspension, or removal of the doctor's ability to perform peer review on behalf of insurance carriers in the workers' compensation system, and other issues important to the quality of peer review, as determined by the commissioner. A doctor who performs peer review under this subtitle must hold the appropriate professional license issued by this state. A doctor, other than a chiropractor or a dentist, who performs peer review is subject to Section 408.0043. A dentist who performs a peer review of a dental

1 service provided to an injured employee is subject to Section  
2 408.0044. A chiropractor who performs a peer review of a  
3 chiropractic service provided to an injured employee is subject to  
4 Section 408.0045.

5 SECTION 5. Section 408.1225, Labor Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) A designated doctor, other than a chiropractor, is  
8 subject to Section 408.0043. A designated doctor who is a  
9 chiropractor is subject to Section 408.0045.

10 SECTION 6. Section 413.031, Labor Code, is amended by  
11 amending Subsections (d) and (e) and adding Subsection (e-3) to  
12 read as follows:

13 (d) A review of the medical necessity of a health care  
14 service requiring preauthorization under Section 413.014 or  
15 commissioner rules under that section or Section 413.011(g) shall  
16 be conducted by an independent review organization under Chapter  
17 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
18 reviews of utilization review decisions by health maintenance  
19 organizations. It is a defense for the insurance carrier if the  
20 carrier timely complies with the decision of the independent review  
21 organization.

22 (e) Except as provided by Subsections (d), (f), and (m), a  
23 review of the medical necessity of a health care service provided  
24 under this chapter or Chapter 408 shall be conducted by an  
25 independent review organization under Chapter 4202 [~~Article~~  
26 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
27 utilization review decisions by health maintenance organizations.

1 It is a defense for the insurance carrier if the carrier timely  
2 complies with the decision of the independent review organization.

3 (e-3) Notwithstanding Subsections (d) and (e) of this  
4 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
5 than a dentist or a chiropractor, who performs a utilization review  
6 or an independent review, including a retrospective review, of a  
7 health care service provided to an injured employee is subject to  
8 Section 408.0043. A dentist who performs a utilization review or an  
9 independent review, including a retrospective review, of a dental  
10 service provided to an injured employee is subject to Section  
11 408.0044. A chiropractor who performs a utilization review or an  
12 independent review, including a retrospective review, of a  
13 chiropractic service provided to an injured employee is subject to  
14 Section 408.0045.

15 SECTION 7. Section 413.0512, Labor Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) A member of the medical quality review panel, other than  
18 a chiropractor, who reviews a specific workers' compensation case  
19 is subject to Section 408.0043. A chiropractor who reviews a  
20 specific workers' compensation case is subject to Section 408.0045.

21 SECTION 8. The change in law made by this Act applies only  
22 to a review of a health care service provided under a claim for  
23 workers' compensation benefits that is conducted on or after the  
24 effective date of this Act. A review that is conducted before that  
25 date is governed by the law in effect on the date that the review was  
26 conducted, and the former law is continued in effect for that  
27 purpose.

H.B. No. 2004

1           SECTION 9.   This Act takes effect September 1, 2007.

# ADOPTED

MAY 08 2007

*Atty. Gen.*  
Secretary of the Senate

By: Giddings (Lucio)

H.B. No. 2004

Substitute the following for \_\_.B. No. \_\_\_\_:

By: Jeddie Lucio, Jr.

C.S. \_\_.B. No. \_\_\_\_

## A BILL TO BE ENTITLED

### AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

- (1) a doctor performing peer review;
- (2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;
- (3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;
- (4) a designated doctor;
- (5) a doctor performing a required medical examination; or
- (6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8            (1) a doctor performing peer review of dental  
9 services;

10          (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13          (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16          (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a person who performs services under this title  
22 as:

23            (1) a doctor performing peer review of chiropractic  
24 services;

25          (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic or must be a physician licensed to engage  
14 in the practice of medicine who is certified in an appropriate  
15 medical specialty.

16          Sec. 408.0046. RULES. The commissioner may adopt rules as  
17 necessary to determine which professional health practitioner  
18 specialties are appropriate for treatment of certain compensable  
19 injuries.

20          SECTION 2. Section 408.004, Labor Code, is amended by  
21 adding Subsection (a-1) to read as follows:

22          (a-1) A doctor, other than a chiropractor, who performs a  
23 required medical examination under this section is subject to  
24 Section 408.0043. A chiropractor who performs a required medical  
25 examination under this section is subject to Section 408.0045.

26          SECTION 3. Section 408.0041(b), Labor Code, is amended to  
27 read as follows:

1 (b) A medical examination requested under Subsection (a)  
2 shall be performed by the next available doctor on the division's  
3 list of designated doctors whose credentials are appropriate for  
4 the issue in question and the injured employee's medical condition  
5 as determined by commissioner rule. A designated doctor, other than  
6 a chiropractor, is subject to Section 408.0043. A designated  
7 doctor who is a chiropractor is subject to Section 408.0045. The  
8 division shall assign a designated doctor not later than the 10th  
9 day after the date on which the request under Subsection (a) is  
10 approved, and the examination must be conducted not later than the  
11 21st day after the date on which the commissioner issues the order  
12 under Subsection (a). An examination under this section may not be  
13 conducted more frequently than every 60 days, unless good cause for  
14 more frequent examinations exists, as defined by commissioner  
15 rules.

16 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
17 read as follows:

18 (g) The commissioner shall adopt rules regarding doctors  
19 who perform peer review functions for insurance carriers. Those  
20 rules may include standards for peer review, imposition of  
21 sanctions on doctors performing peer review functions, including  
22 restriction, suspension, or removal of the doctor's ability to  
23 perform peer review on behalf of insurance carriers in the workers'  
24 compensation system, and other issues important to the quality of  
25 peer review, as determined by the commissioner. A doctor who  
26 performs peer review under this subtitle must hold the appropriate  
27 professional license issued by this state. A doctor, other than a

1 chiropractor or a dentist, who performs peer review is subject to  
2 Section 408.0043. A dentist who performs a peer review of a dental  
3 service provided to an injured employee is subject to Section  
4 408.0044. A chiropractor who performs a peer review of a  
5 chiropractic service provided to an injured employee is subject to  
6 Section 408.0045.

7 SECTION 5. Section 408.1225, Labor Code, is amended by  
8 adding Subsection (e) to read as follows:

9 (e) A designated doctor, other than a chiropractor, is  
10 subject to Section 408.0043. A designated doctor who is a  
11 chiropractor is subject to Section 408.0045.

12 SECTION 6. Section 413.031, Labor Code, is amended by  
13 amending Subsections (d) and (e) and adding Subsection (e-3) to  
14 read as follows:

15 (d) A review of the medical necessity of a health care  
16 service requiring preauthorization under Section 413.014 or  
17 commissioner rules under that section or Section 413.011(g) shall  
18 be conducted by an independent review organization under Chapter  
19 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
20 reviews of utilization review decisions by health maintenance  
21 organizations. It is a defense for the insurance carrier if the  
22 carrier timely complies with the decision of the independent review  
23 organization.

24 (e) Except as provided by Subsections (d), (f), and (m), a  
25 review of the medical necessity of a health care service provided  
26 under this chapter or Chapter 408 shall be conducted by an  
27 independent review organization under Chapter 4202 [~~Article~~

1 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
2 utilization review decisions by health maintenance organizations.  
3 It is a defense for the insurance carrier if the carrier timely  
4 complies with the decision of the independent review organization.

5 (e-3) Notwithstanding Subsections (d) and (e) of this  
6 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
7 than a dentist or a chiropractor, who performs a utilization review  
8 or an independent review, including a retrospective review, of a  
9 health care service provided to an injured employee is subject to  
10 Section 408.0043. A dentist who performs a utilization review or an  
11 independent review, including a retrospective review, of a dental  
12 service provided to an injured employee is subject to Section  
13 408.0044. A chiropractor who performs a utilization review or an  
14 independent review, including a retrospective review, of a  
15 chiropractic service provided to an injured employee is subject to  
16 Section 408.0045.

17 SECTION 7. Section 413.0512, Labor Code, is amended by  
18 adding Subsection (f) to read as follows:

19 (f) A member of the medical quality review panel, other than  
20 a chiropractor, who reviews a specific workers' compensation case  
21 is subject to Section 408.0043. A chiropractor who reviews a  
22 specific workers' compensation case is subject to Section 408.0045.

23 SECTION 8. The change in law made by this Act applies only  
24 to a review of a health care service provided under a claim for  
25 workers' compensation benefits that is conducted on or after the  
26 effective date of this Act. A review that is conducted before that  
27 date is governed by the law in effect on the date that the review was

1 conducted, and the former law is continued in effect for that  
2 purpose.

3 SECTION 9. This Act takes effect September 1, 2007.

ADOPTED

MAY 08 2007

*Latay Spaul*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Lucio*

1 Amend C.S.H.B. No. 2004, senate committee printing, in  
2 SECTION 1 of the bill, in added Section 408.0046, Labor Code (page  
3 2, line 15), by inserting the following after "injuries":  
4 The rules adopted under this section must require an entity  
5 requesting a peer review to obtain and provide to the doctor  
6 providing peer review services all relevant and updated medical  
7 records.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 2, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HB2004 by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, KJG, JRO, SK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 27, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HB2004 by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), As Engrossed

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, KJG, JRO, SK

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 19, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2004** by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, JRO, SK

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-21-07

ADOPTED

MAY 25 2007

Robert Hanes  
Chief Clerk  
House of Representatives

Date

by a RV of  
135 Y 0 N  
2 PNV

HOUSE OF REPRESENTATIVES

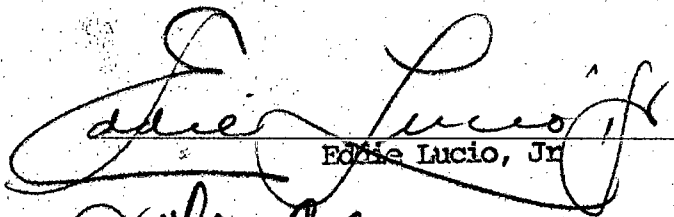
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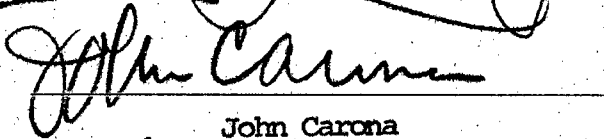
Honorable David Dewhurst  
President of the Senate

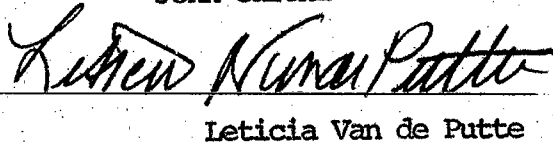
Honorable Tom Craddick  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on 11/3/2004 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

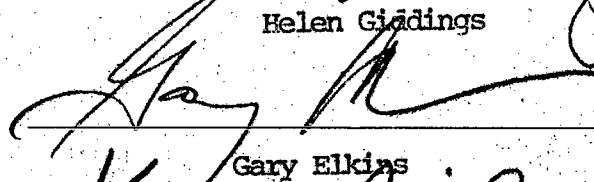
  
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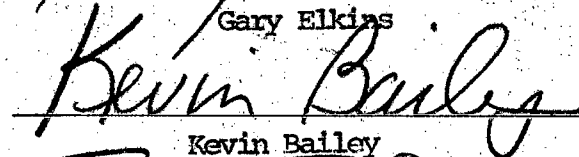
  
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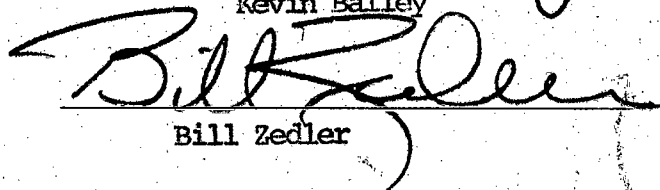
  
Leticia Van de Putte

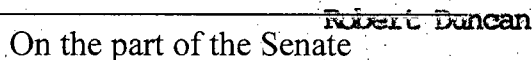
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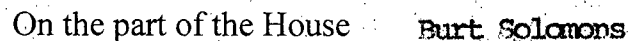
  
Helen Giddings

  
Gary Elkins

  
Kevin Bailey

  
Bill Zedler

  
On the part of the Senate

On the part of the House   
Burt Solomons

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8                (1) a doctor performing peer review of dental  
9 services;

10               (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13               (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16               (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a chiropractor who performs chiropractic  
22 services under this title as:

23               (1) a doctor performing peer review of chiropractic  
24 services;

25               (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic.

14          Sec. 408.0046. RULES. The commissioner may adopt rules as  
15 necessary to determine which professional health practitioner  
16 specialties are appropriate for treatment of certain compensable  
17 injuries. The rules adopted under this section must require an  
18 entity requesting a peer review to obtain and provide to the doctor  
19 providing peer review services all relevant and updated medical  
20 records.

21          SECTION 2. Section 408.004, Labor Code, is amended by  
22 adding Subsection (a-1) to read as follows:

23          (a-1) A doctor, other than a chiropractor, who performs a  
24 required medical examination under this section is subject to  
25 Section 408.0043. A chiropractor who performs a required medical  
26 examination under this section is subject to Section 408.0045.

27          SECTION 3. Section 408.0041(b), Labor Code, is amended to

1 read as follows:

2 (b) A medical examination requested under Subsection (a)  
3 shall be performed by the next available doctor on the division's  
4 list of designated doctors whose credentials are appropriate for  
5 the issue in question and the injured employee's medical condition  
6 as determined by commissioner rule. A designated doctor, other than  
7 a chiropractor, is subject to Section 408.0043. A designated  
8 doctor who is a chiropractor is subject to Section 408.0045. The  
9 division shall assign a designated doctor not later than the 10th  
10 day after the date on which the request under Subsection (a) is  
11 approved, and the examination must be conducted not later than the  
12 21st day after the date on which the commissioner issues the order  
13 under Subsection (a). An examination under this section may not be  
14 conducted more frequently than every 60 days, unless good cause for  
15 more frequent examinations exists, as defined by commissioner  
16 rules.

17 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
18 read as follows:

19 (g) The commissioner shall adopt rules regarding doctors  
20 who perform peer review functions for insurance carriers. Those  
21 rules may include standards for peer review, imposition of  
22 sanctions on doctors performing peer review functions, including  
23 restriction, suspension, or removal of the doctor's ability to  
24 perform peer review on behalf of insurance carriers in the workers'  
25 compensation system, and other issues important to the quality of  
26 peer review, as determined by the commissioner. A doctor who  
27 performs peer review under this subtitle must hold the appropriate

1 professional license issued by this state. A doctor, other than a  
2 chiropractor or a dentist, who performs peer review is subject to  
3 Section 408.0043. A dentist who performs a peer review of a dental  
4 service provided to an injured employee is subject to Section  
5 408.0044. A chiropractor who performs a peer review of a  
6 chiropractic service provided to an injured employee is subject to  
7 Section 408.0045.

8 SECTION 5. Section 408.1225, Labor Code, is amended by  
9 adding Subsection (e) to read as follows:

10 (e) A designated doctor, other than a chiropractor, is  
11 subject to Section 408.0043. A designated doctor who is a  
12 chiropractor is subject to Section 408.0045.

13 SECTION 6. Section 413.031, Labor Code, is amended by  
14 amending Subsections (d) and (e) and adding Subsection (e-3) to  
15 read as follows:

16 (d) A review of the medical necessity of a health care  
17 service requiring preauthorization under Section 413.014 or  
18 commissioner rules under that section or Section 413.011(g) shall  
19 be conducted by an independent review organization under Chapter  
20 4202 [Article 21.58C], Insurance Code, in the same manner as  
21 reviews of utilization review decisions by health maintenance  
22 organizations. It is a defense for the insurance carrier if the  
23 carrier timely complies with the decision of the independent review  
24 organization.

25 (e) Except as provided by Subsections (d), (f), and (m), a  
26 review of the medical necessity of a health care service provided  
27 under this chapter or Chapter 408 shall be conducted by an

1 independent review organization under Chapter 4202 [~~Article~~  
2 ~~21-58C~~], Insurance Code, in the same manner as reviews of  
3 utilization review decisions by health maintenance organizations.  
4 It is a defense for the insurance carrier if the carrier timely  
5 complies with the decision of the independent review organization.

6 (e-3) Notwithstanding Subsections (d) and (e) of this  
7 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
8 than a dentist or a chiropractor, who performs a utilization review  
9 or an independent review, including a retrospective review, of a  
10 health care service provided to an injured employee is subject to  
11 Section 408.0043. A dentist who performs a utilization review or an  
12 independent review, including a retrospective review, of a dental  
13 service provided to an injured employee is subject to Section  
14 408.0044. A chiropractor who performs a utilization review or an  
15 independent review, including a retrospective review, of a  
16 chiropractic service provided to an injured employee is subject to  
17 Section 408.0045.

18 SECTION 7. Section 413.0512, Labor Code, is amended by  
19 adding Subsection (f) to read as follows:

20 (f) A member of the medical quality review panel, other than  
21 a chiropractor, who reviews a specific workers' compensation case  
22 is subject to Section 408.0043. A chiropractor who reviews a  
23 specific workers' compensation case is subject to Section 408.0045.

24 SECTION 8. The change in law made by this Act applies only  
25 to a review of a health care service provided under a claim for  
26 workers' compensation benefits that is conducted on or after the  
27 effective date of this Act. A review that is conducted before that

H.B. No. 2004

1 date is governed by the law in effect on the date that the review was  
2 conducted, and the former law is continued in effect for that  
3 purpose.

4 SECTION 9. This Act takes effect September 1, 2007.

**House Bill 2004**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Subchapter A, Chapter 408, Labor Code, by adding Sections 408.0043 through 408.0046 as follows:

Sec. 408.043-408.044.

Sec. 408.0045. (a) Provides that this section applies to a *chiropractor* who performs certain *chiropractic* services under this title.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic.

Sec. 408.0046. Authorizes the commissioner to adopt rules as necessary to determine which professional health practitioner specialties are appropriate for treatment of certain compensable injuries.

SECTION 2. Adds Section 408.004(a-1), Labor Code.

SECTION 3. Amends Section 408.0041(b), Labor Code.

SECTION 4. Amends Section 408.0231(g), Labor Code.

SECTION 5. Adds Section 408.1225(e), Labor Code.

SENATE VERSION

Same as House version except as follows:

Same as House version.

(a) Provides that this section applies to a *person* who performs certain service under this title.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic *or to be a physician licensed to engage in the practice of medicine who is certified in an appropriate medical specialty.*

Same as House version except provides that the rules also must require an entity requesting a peer review to obtain and provide to the doctor providing peer review services all relevant and updated medical records.

Same as House version.

Same as House version.

Same as House version.

Same as House version.

CONFERENCE

Same as House version except as follows:

Same as House version.

Same as House version.

Same as Senate version.

Same as House version.

Same as House version.

Same as House version.

Same as House version.

**House Bill 2004**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
SECTION 6. Amends Section 413.031, Labor Code, by amending (d) and (e) and adding (e-3).	Same as House version.	Same as House version.
SECTION 7. Adds Section 413.0512(f), Labor Code.	Same as House version.	Same as House version.
SECTION 8. Saving provision.	Same as House version.	Same as House version.
SECTION 9. This Act takes effect September 1, 2007.	Same as House version.	Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 22, 2007**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Tom Craddick, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** HB2004 by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **Conference Committee Report**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, KJG, SD, JRO, SK

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-21-07

Date

Honorable David Dewhurst  
President of the Senate

Honorable Tom Craddick  
Speaker of the House of Representatives

**ADOPTED**

30-0  
MAY 25 2007

*Atay Law*  
Secretary of the Senate

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on 11/5/2004 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

*David Dewhurst*  
David Dewhurst, Jr.

*John Carmon*  
John Carmon

*Loisela Van de Putte*  
Loisela Van de Putte

*Greg Peacor*  
Greg Peacor

*Robert Pearson*  
Robert Pearson

On the part of the Senate

*Helen Glavin*  
Helen Glavin

*Gary Ellison*  
Gary Ellison

*Kevin Bailey*  
Kevin Bailey

*Bill Foster*  
Bill Foster

On the part of the House

*Burt Solomon*  
Burt Solomon

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

Filed 5/22/07 8:45 AM

CONFERENCE COMMITTEE REPORT

H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8                (1) a doctor performing peer review of dental  
9 services;

10               (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13               (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16               (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a chiropractor who performs chiropractic  
22 services under this title as:

23               (1) a doctor performing peer review of chiropractic  
24 services;

25               (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic.

14          Sec. 408.0046. RULES. The commissioner may adopt rules as  
15 necessary to determine which professional health practitioner  
16 specialties are appropriate for treatment of certain compensable  
17 injuries. The rules adopted under this section must require an  
18 entity requesting a peer review to obtain and provide to the doctor  
19 providing peer review services all relevant and updated medical  
20 records.

21          SECTION 2. Section 408.004, Labor Code, is amended by  
22 adding Subsection (a-1) to read as follows:

23          (a-1) A doctor, other than a chiropractor, who performs a  
24 required medical examination under this section is subject to  
25 Section 408.0043. A chiropractor who performs a required medical  
26 examination under this section is subject to Section 408.0045.

27          SECTION 3. Section 408.0041(b), Labor Code, is amended to

1 read as follows:

2 (b) A medical examination requested under Subsection (a)  
3 shall be performed by the next available doctor on the division's  
4 list of designated doctors whose credentials are appropriate for  
5 the issue in question and the injured employee's medical condition  
6 as determined by commissioner rule. A designated doctor, other than  
7 a chiropractor, is subject to Section 408.0043. A designated  
8 doctor who is a chiropractor is subject to Section 408.0045. The  
9 division shall assign a designated doctor not later than the 10th  
10 day after the date on which the request under Subsection (a) is  
11 approved, and the examination must be conducted not later than the  
12 21st day after the date on which the commissioner issues the order  
13 under Subsection (a). An examination under this section may not be  
14 conducted more frequently than every 60 days, unless good cause for  
15 more frequent examinations exists, as defined by commissioner  
16 rules.

17 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
18 read as follows:

19 (g) The commissioner shall adopt rules regarding doctors  
20 who perform peer review functions for insurance carriers. Those  
21 rules may include standards for peer review, imposition of  
22 sanctions on doctors performing peer review functions, including  
23 restriction, suspension, or removal of the doctor's ability to  
24 perform peer review on behalf of insurance carriers in the workers'  
25 compensation system, and other issues important to the quality of  
26 peer review, as determined by the commissioner. A doctor who  
27 performs peer review under this subtitle must hold the appropriate

1 professional license issued by this state. A doctor, other than a  
2 chiropractor or a dentist, who performs peer review is subject to  
3 Section 408.0043. A dentist who performs a peer review of a dental  
4 service provided to an injured employee is subject to Section  
5 408.0044. A chiropractor who performs a peer review of a  
6 chiropractic service provided to an injured employee is subject to  
7 Section 408.0045.

8 SECTION 5. Section 408.1225, Labor Code, is amended by  
9 adding Subsection (e) to read as follows:

10 (e) A designated doctor, other than a chiropractor, is  
11 subject to Section 408.0043. A designated doctor who is a  
12 chiropractor is subject to Section 408.0045.

13 SECTION 6. Section 413.031, Labor Code, is amended by  
14 amending Subsections (d) and (e) and adding Subsection (e-3) to  
15 read as follows:

16 (d) A review of the medical necessity of a health care  
17 service requiring preauthorization under Section 413.014 or  
18 commissioner rules under that section or Section 413.011(g) shall  
19 be conducted by an independent review organization under Chapter  
20 4202 [Article 21.58C], Insurance Code, in the same manner as  
21 reviews of utilization review decisions by health maintenance  
22 organizations. It is a defense for the insurance carrier if the  
23 carrier timely complies with the decision of the independent review  
24 organization.

25 (e) Except as provided by Subsections (d), (f), and (m), a  
26 review of the medical necessity of a health care service provided  
27 under this chapter or Chapter 408 shall be conducted by an

1 independent review organization under Chapter 4202 [~~Article~~  
2 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
3 utilization review decisions by health maintenance organizations.  
4 It is a defense for the insurance carrier if the carrier timely  
5 complies with the decision of the independent review organization.

6 (e-3) Notwithstanding Subsections (d) and (e) of this  
7 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
8 than a dentist or a chiropractor, who performs a utilization review  
9 or an independent review, including a retrospective review, of a  
10 health care service provided to an injured employee is subject to  
11 Section 408.0043. A dentist who performs a utilization review or an  
12 independent review, including a retrospective review, of a dental  
13 service provided to an injured employee is subject to Section  
14 408.0044. A chiropractor who performs a utilization review or an  
15 independent review, including a retrospective review, of a  
16 chiropractic service provided to an injured employee is subject to  
17 Section 408.0045.

18 SECTION 7. Section 413.0512, Labor Code, is amended by  
19 adding Subsection (f) to read as follows:

20 (f) A member of the medical quality review panel, other than  
21 a chiropractor, who reviews a specific workers' compensation case  
22 is subject to Section 408.0043. A chiropractor who reviews a  
23 specific workers' compensation case is subject to Section 408.0045.

24 SECTION 8. The change in law made by this Act applies only  
25 to a review of a health care service provided under a claim for  
26 workers' compensation benefits that is conducted on or after the  
27 effective date of this Act. A review that is conducted before that

H.B. No. 2004

1 date is governed by the law in effect on the date that the review was  
2 conducted, and the former law is continued in effect for that  
3 purpose.

4 SECTION 9. This Act takes effect September 1, 2007.

**House Bill 2004**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Subchapter A, Chapter 408, Labor Code, by adding Sections 408.0043 through 408.0046 as follows:

Sec. 408.043-408.044.

Sec. 408.0045. (a) Provides that this section applies to a *chiropractor* who performs certain *chiropractic* services under this title.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic.

Sec. 408.0046. Authorizes the commissioner to adopt rules as necessary to determine which professional health practitioner specialties are appropriate for treatment of certain compensable injuries.

SECTION 2. Adds Section 408.004(a-1), Labor Code.

SECTION 3. Amends Section 408.0041(b), Labor Code.

SECTION 4. Amends Section 408.0231(g), Labor Code.

SECTION 5. Adds Section 408.1225(e), Labor Code.

SENATE VERSION

Same as House version except as follows:

Same as House version.

(a) Provides that this section applies to a *person* who performs certain service under this title.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic *or to be a physician licensed to engage in the practice of medicine who is certified in an appropriate medical specialty.*

Same as House version except provides that the rules also must require an entity requesting a peer review to obtain and provide to the doctor providing peer review services all relevant and updated medical records.

Same as House version.

Same as House version.

Same as House version.

Same as House version.

CONFERENCE

Same as House version except as follows:

Same as House version.

Same as House version.

Same as Senate version.

Same as House version.

Same as House version.

Same as House version.

Same as House version.

**House Bill 2004**  
**Conference Committee Report**  
**Section-by-Section Analysis**

HOUSE VERSION	SENATE VERSION	CONFERENCE
SECTION 6. Amends Section 413.031, Labor Code, by amending (d) and (e) and adding (e-3).	Same as House version.	Same as House version.
SECTION 7. Adds Section 413.0512(f), Labor Code.	Same as House version.	Same as House version.
SECTION 8. Saving provision.	Same as House version.	Same as House version.
SECTION 9. This Act takes effect September 1, 2007.	Same as House version.	Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 22, 2007**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Tom Craddick, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2004** by Giddings (Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.), **Conference Committee Report**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners

**LBB Staff:** JOB, KJG, SD, JRO, SK

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-21-07

Date

Honorable David Dewhurst  
President of the Senate

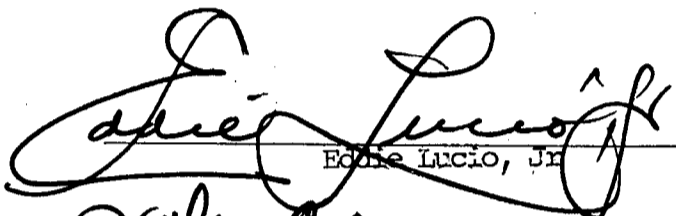
Honorable Tom Craddick  
Speaker of the House of Representatives

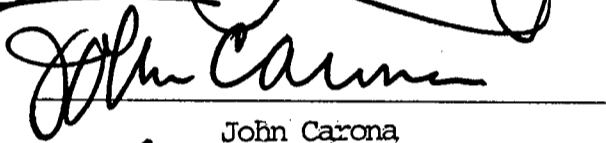
HOUSE OF REPRESENTATIVES

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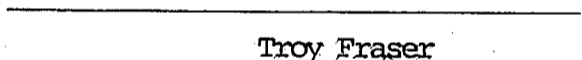
Sirs:

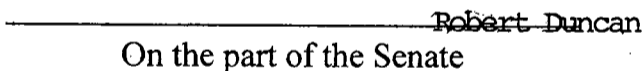
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2004 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
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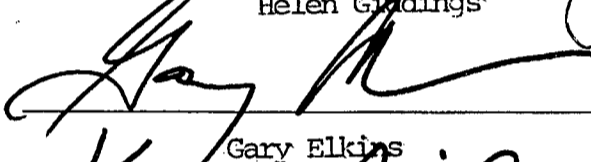
  
John Carona

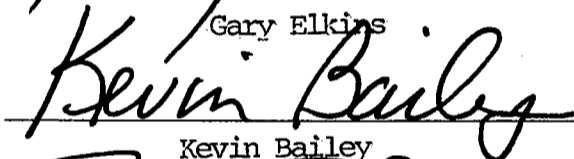
  
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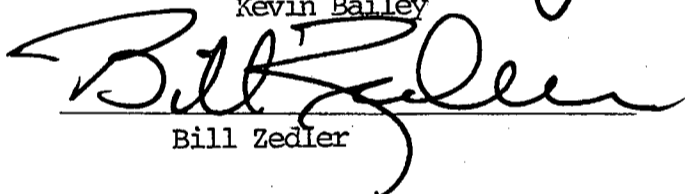
  
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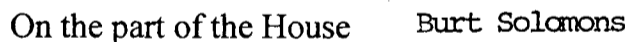
  
Robert Duncan  
On the part of the Senate

  
Helen Giddings

  
Gary Elkins

  
Kevin Bailey

  
Bill Zedler

  
Burt Solomons  
On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1        (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5        Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8                (1) a doctor performing peer review of dental  
9 services;

10               (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13               (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16               (4) a doctor performing a required dental examination.

17        (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20        Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
21 section applies to a chiropractor who performs chiropractic  
22 services under this title as:

23               (1) a doctor performing peer review of chiropractic  
24 services;

25               (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
11 chiropractic service provided in conjunction with a specific  
12 workers' compensation case must be licensed to engage in the  
13 practice of chiropractic.

14          Sec. 408.0046. RULES. The commissioner may adopt rules as  
15 necessary to determine which professional health practitioner  
16 specialties are appropriate for treatment of certain compensable  
17 injuries. The rules adopted under this section must require an  
18 entity requesting a peer review to obtain and provide to the doctor  
19 providing peer review services all relevant and updated medical  
20 records.

21          SECTION 2. Section 408.004, Labor Code, is amended by  
22 adding Subsection (a-1) to read as follows:

23          (a-1) A doctor, other than a chiropractor, who performs a  
24 required medical examination under this section is subject to  
25 Section 408.0043. A chiropractor who performs a required medical  
26 examination under this section is subject to Section 408.0045.

27          SECTION 3. Section 408.0041(b), Labor Code, is amended to

1 read as follows:

2 (b) A medical examination requested under Subsection (a)  
3 shall be performed by the next available doctor on the division's  
4 list of designated doctors whose credentials are appropriate for  
5 the issue in question and the injured employee's medical condition  
6 as determined by commissioner rule. A designated doctor, other than  
7 a chiropractor, is subject to Section 408.0043. A designated  
8 doctor who is a chiropractor is subject to Section 408.0045. The  
9 division shall assign a designated doctor not later than the 10th  
10 day after the date on which the request under Subsection (a) is  
11 approved, and the examination must be conducted not later than the  
12 21st day after the date on which the commissioner issues the order  
13 under Subsection (a). An examination under this section may not be  
14 conducted more frequently than every 60 days, unless good cause for  
15 more frequent examinations exists, as defined by commissioner  
16 rules.

17 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
18 read as follows:

19 (g) The commissioner shall adopt rules regarding doctors  
20 who perform peer review functions for insurance carriers. Those  
21 rules may include standards for peer review, imposition of  
22 sanctions on doctors performing peer review functions, including  
23 restriction, suspension, or removal of the doctor's ability to  
24 perform peer review on behalf of insurance carriers in the workers'  
25 compensation system, and other issues important to the quality of  
26 peer review, as determined by the commissioner. A doctor who  
27 performs peer review under this subtitle must hold the appropriate

1 professional license issued by this state. A doctor, other than a  
2 chiropractor or a dentist, who performs peer review is subject to  
3 Section 408.0043. A dentist who performs a peer review of a dental  
4 service provided to an injured employee is subject to Section  
5 408.0044. A chiropractor who performs a peer review of a  
6 chiropractic service provided to an injured employee is subject to  
7 Section 408.0045.

8 SECTION 5. Section 408.1225, Labor Code, is amended by  
9 adding Subsection (e) to read as follows:

10 (e) A designated doctor, other than a chiropractor, is  
11 subject to Section 408.0043. A designated doctor who is a  
12 chiropractor is subject to Section 408.0045.

13 SECTION 6. Section 413.031, Labor Code, is amended by  
14 amending Subsections (d) and (e) and adding Subsection (e-3) to  
15 read as follows:

16 (d) A review of the medical necessity of a health care  
17 service requiring preauthorization under Section 413.014 or  
18 commissioner rules under that section or Section 413.011(g) shall  
19 be conducted by an independent review organization under Chapter  
20 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
21 reviews of utilization review decisions by health maintenance  
22 organizations. It is a defense for the insurance carrier if the  
23 carrier timely complies with the decision of the independent review  
24 organization.

25 (e) Except as provided by Subsections (d), (f), and (m), a  
26 review of the medical necessity of a health care service provided  
27 under this chapter or Chapter 408 shall be conducted by an

independent review organization under Chapter 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as reviews of utilization review decisions by health maintenance organizations. It is a defense for the insurance carrier if the carrier timely complies with the decision of the independent review organization.

(e-3) Notwithstanding Subsections (d) and (e) of this section or Chapters 4201 and 4202, Insurance Code, a doctor, other than a dentist or a chiropractor, who performs a utilization review or an independent review, including a retrospective review, of a health care service provided to an injured employee is subject to Section 408.0043. A dentist who performs a utilization review or an independent review, including a retrospective review, of a dental service provided to an injured employee is subject to Section 408.0044. A chiropractor who performs a utilization review or an independent review, including a retrospective review, of a chiropractic service provided to an injured employee is subject to Section 408.0045.

SECTION 7. Section 413.0512, Labor Code, is amended by adding Subsection (f) to read as follows:

(f) A member of the medical quality review panel, other than a chiropractor, who reviews a specific workers' compensation case is subject to Section 408.0043. A chiropractor who reviews a specific workers' compensation case is subject to Section 408.0045.

SECTION 8. The change in law made by this Act applies only to a review of a health care service provided under a claim for workers' compensation benefits that is conducted on or after the effective date of this Act. A review that is conducted before that

H.B. No. 2004

1 date is governed by the law in effect on the date that the review was  
2 conducted, and the former law is continued in effect for that  
3 purpose.

4 SECTION 9. This Act takes effect September 1, 2007.

**House Bill 2004**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Subchapter A, Chapter 408, Labor Code, by adding Sections 408.0043 through 408.0046 as follows:

Sec. 408.043-408.044.

Sec. 408.0045. (a) Provides that this section applies to a *chiropractor* who performs certain *chiropractic* services under this title.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic.

Sec. 408.0046. Authorizes the commissioner to adopt rules as necessary to determine which professional health practitioner specialties are appropriate for treatment of certain compensable injuries.

SECTION 2. Adds Section 408.004(a-1), Labor Code.

SECTION 3. Amends Section 408.0041(b), Labor Code.

SECTION 4. Amends Section 408.0231(g), Labor Code.

SECTION 5. Adds Section 408.1225(e), Labor Code.

SENATE VERSION

Same as House version except as follows:

Same as House version.

(a) Provides that this section applies to a *person* who performs certain service under this title.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic *or to be a physician licensed to engage in the practice of medicine who is certified in an appropriate medical specialty.*

Same as House version except provides that the rules also must require an entity requesting a peer review to obtain and provide to the doctor providing peer review services all relevant and updated medical records.

Same as House version.

Same as House version.

Same as House version.

Same as House version.

CONFERENCE

Same as House version except as follows:

Same as House version.

Same as House version.

Same as Senate version.

Same as House version.

Same as House version.

Same as House version.

Same as House version.

**House Bill 2004**  
**Conference Committee Report**  
**Section-by-Section Analysis**

HOUSE VERSION	SENATE VERSION	CONFERENCE
SECTION 6. Amends Section 413.031, Labor Code, by amending (d) and (e) and adding (e-3).	Same as House version.	Same as House version.
SECTION 7. Adds Section 413.0512(f), Labor Code.	Same as House version.	Same as House version.
SECTION 8. Saving provision.	Same as House version.	Same as House version.
SECTION 9. This Act takes effect September 1, 2007.	Same as House version.	Same as House version.

**TEXAS LEGISLATIVE COUNCIL**  
**Official Printing/Bill Stage Preparation Request Sheet**

HB 2004

By:

Giddings

Date:

MAY 22 2007

(Document)

(Primary Author)

Joint/Coauthor(s):

(to be completed by TLC Document Production)

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☐ ☐ SUMMARY OF COMMITTEE ACTION  
☐ ☐ WITNESS LIST  
☐ ☐ \_\_\_\_\_ FISCAL NOTE(S)  
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☐ **SENATE AMENDMENT PRINTING**

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# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-21-07

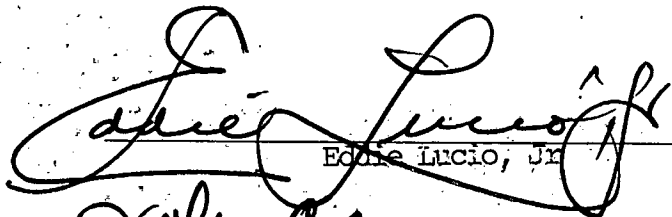
Date

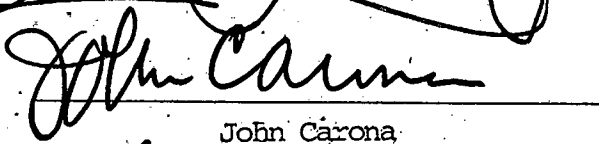
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President of the Senate

Honorable Tom Craddick  
Speaker of the House of Representatives

Sirs:

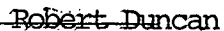
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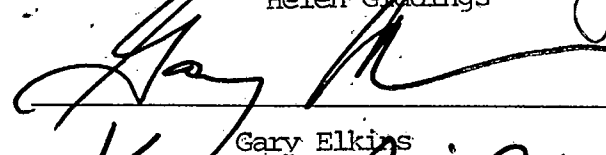
  
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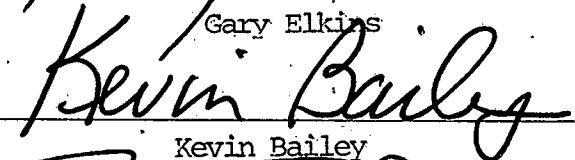
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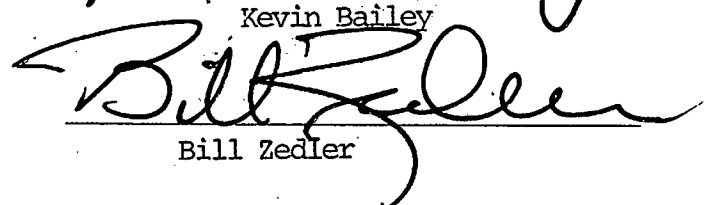
  
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## ENROLLMENT

H.B. No. 2004

### AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 408, Labor Code, is amended by adding Sections 408.0043 through 408.0046 to read as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) This section applies to a person, other than a chiropractor or a dentist, who performs health care services under this title as:

(1) a doctor performing peer review;

(2) a doctor performing a utilization review of a health care service provided to an injured employee, including a retrospective review;

(3) a doctor performing an independent review of a health care service provided to an injured employee, including a retrospective review;

(4) a designated doctor;

(5) a doctor performing a required medical examination; or

(6) a doctor serving as a member of the medical quality review panel.

1       (b) A person described by Subsection (a) who reviews a  
2 specific workers' compensation case must hold a professional  
3 certification in a health care specialty appropriate to the type of  
4 health care that the injured employee is receiving.

5       Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) This section  
6 applies to a dentist who performs dental services under this title  
7 as:

8               (1) a doctor performing peer review of dental  
9 services;

10              (2) a doctor performing a utilization review of a  
11 dental service provided to an injured employee, including a  
12 retrospective review;

13              (3) a doctor performing an independent review of a  
14 dental service provided to an injured employee, including a  
15 retrospective review; or

16              (4) a doctor performing a required dental examination.

17       (b) A person described by Subsection (a) who reviews a  
18 dental service provided in conjunction with a specific workers'  
19 compensation case must be licensed to practice dentistry.

20       Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) This  
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22 services under this title as:

23              (1) a doctor performing peer review of chiropractic  
24 services;

25              (2) a doctor performing a utilization review of a  
26 chiropractic service provided to an injured employee, including a  
27 retrospective review;

1           (3) a doctor performing an independent review of a  
2 chiropractic service provided to an injured employee, including a  
3 retrospective review;

4           (4) a designated doctor providing chiropractic  
5 services;

6           (5) a doctor performing a required medical  
7 examination; or

8           (6) a chiropractor serving as a member of the medical  
9 quality review panel.

10          (b) A person described by Subsection (a) who reviews a  
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22 adding Subsection (a-1) to read as follows:

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17 SECTION 4. Section 408.0231(g), Labor Code, is amended to  
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19 (g) The commissioner shall adopt rules regarding doctors  
20 who perform peer review functions for insurance carriers. Those  
21 rules may include standards for peer review, imposition of  
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26 peer review, as determined by the commissioner. A doctor who  
27 performs peer review under this subtitle must hold the appropriate

1 professional license issued by this state. A doctor, other than a  
2 chiropractor or a dentist, who performs peer review is subject to  
3 Section 408.0043. A dentist who performs a peer review of a dental  
4 service provided to an injured employee is subject to Section  
5 408.0044. A chiropractor who performs a peer review of a  
6 chiropractic service provided to an injured employee is subject to  
7 Section 408.0045.

8 SECTION 5. Section 408.1225, Labor Code, is amended by  
9 adding Subsection (e) to read as follows:

10 (e) A designated doctor, other than a chiropractor, is  
11 subject to Section 408.0043. A designated doctor who is a  
12 chiropractor is subject to Section 408.0045.

13 SECTION 6. Section 413.031, Labor Code, is amended by  
14 amending Subsections (d) and (e) and adding Subsection (e-3) to  
15 read as follows:

16 (d) A review of the medical necessity of a health care  
17 service requiring preauthorization under Section 413.014 or  
18 commissioner rules under that section or Section 413.011(g) shall  
19 be conducted by an independent review organization under Chapter  
20 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as  
21 reviews of utilization review decisions by health maintenance  
22 organizations. It is a defense for the insurance carrier if the  
23 carrier timely complies with the decision of the independent review  
24 organization.

25 (e) Except as provided by Subsections (d), (f), and (m), a  
26 review of the medical necessity of a health care service provided  
27 under this chapter or Chapter 408 shall be conducted by an

1 independent review organization under Chapter 4202 [~~Article~~  
2 ~~21.58C~~], Insurance Code, in the same manner as reviews of  
3 utilization review decisions by health maintenance organizations.  
4 It is a defense for the insurance carrier if the carrier timely  
5 complies with the decision of the independent review organization.

6 (e-3) Notwithstanding Subsections (d) and (e) of this  
7 section or Chapters 4201 and 4202, Insurance Code, a doctor, other  
8 than a dentist or a chiropractor, who performs a utilization review  
9 or an independent review, including a retrospective review, of a  
10 health care service provided to an injured employee is subject to  
11 Section 408.0043. A dentist who performs a utilization review or an  
12 independent review, including a retrospective review, of a dental  
13 service provided to an injured employee is subject to Section  
14 408.0044. A chiropractor who performs a utilization review or an  
15 independent review, including a retrospective review, of a  
16 chiropractic service provided to an injured employee is subject to  
17 Section 408.0045.

18 SECTION 7. Section 413.0512, Labor Code, is amended by  
19 adding Subsection (f) to read as follows:

20 (f) A member of the medical quality review panel, other than  
21 a chiropractor, who reviews a specific workers' compensation case  
22 is subject to Section 408.0043. A chiropractor who reviews a  
23 specific workers' compensation case is subject to Section 408.0045.

24 SECTION 8. The change in law made by this Act applies only  
25 to a review of a health care service provided under a claim for  
26 workers' compensation benefits that is conducted on or after the  
27 effective date of this Act. A review that is conducted before that

H.B. No. 2004

1 date is governed by the law in effect on the date that the review was  
2 conducted, and the former law is continued in effect for that  
3 purpose.

4 SECTION 9. This Act takes effect September 1, 2007.

H.B. No. 2004

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2004 was passed by the House on April 11, 2007, by the following vote: Yeas 147, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2004 on May 14, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2004 on May 25, 2007, by the following vote: Yeas 135, Nays 0, 2 present, not voting.

---

Chief Clerk of the House

H.B. No. 2004

I certify that H.B. No. 2004 was passed by the Senate, with amendments, on May 8, 2007, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2004 on May 25, 2007, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2004 was passed by the House on  
(1)

April 11, 2007, by the following vote:  
(2)

Yeas 47, Nays 0, 2 present, not voting;  
(3) (4)

that the House refused to concur in Senate amendments to H.B. No. 2004  
on May 14, 2007, and requested the  
(5)

appointment of a conference committee to consider the differences  
between the two houses; and that the House adopted the conference  
committee report on H.B. No. 2004 on May 25, 2007, by  
(6)

the following vote: Yeas 135, Nays 0, 2 present, not voting.  
(7) (8)

\_\_\_\_\_  
Chief Clerk of the House

\*\*\*\* Preparation: CT43

I certify that H.B. No. 2004 was passed by the Senate, with  
(1)

amendments, on May 8, 2007, by the following  
(2)

vote: Yeas 30, Nays 1;  
(3) (4)

at the request of the House, the Senate appointed a conference  
committee to consider the differences between the two houses;  
and that the Senate adopted the conference committee report on  
H.B. No. 2004 on May 25, 2007, by the following vote:  
(5)

Yeas 30, Nays 0.  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

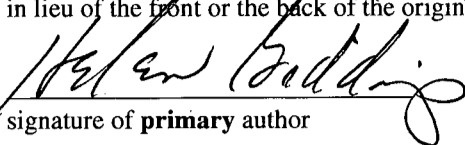
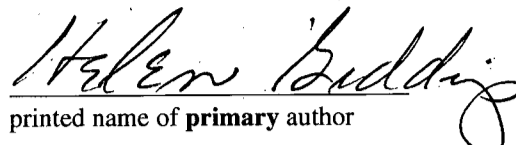
\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT44

CT

**80TH LEGISLATURE****COAUTHOR AUTHORIZATION**(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

Bill or Resolution Number:

HB 2004  
signature of **primary** author  
printed name of **primary** authorFEB 26 2007

Date

PERMISSION TO SIGN

HB 2004  
(bill or resolution #)

HAS BEEN GIVEN TO (check only one of the following):

☒

ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddick	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusec	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

H.B. No.

2004

By

Helen Budding

A BILL TO BE ENTITLED  
AN ACT

relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

FEB 26 2007

Filed with the Chief Clerk

MAR 05 2007

Read first time and referred to Committee on Business and Industry

MAR 27 2007

Reported favorably (                    )

APR - 2 2007

Sent to Committee on (Calendars)

(Local &amp; General Calendars)

APR 10 2007

Read second time (                    ); passed to third reading (                    ) by a (non-record vote) (                     yeas,                      nays,                      present, not voting)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of                      yeas,                      nays,                      present, not voting

APR 11 2007

Read third time (                    ); finally passed (                    ) by a (                    ) (record vote of 147 yeas, 0 nays, 2 present, not voting)

APR 11 2007

Engrossed

APR 12 2007

Sent to Senate

Robert Hancey

CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

APR 12 2007

Received from the House

APR 12 2007

Read and referred to Committee on STATE AFFAIRSReported favorably                     

MAY 03 2007

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 08 2007

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) (                     yeas,                      nays)

MAY 08 2007

Read second time, Amended, and passed to third reading by (unanimous consent) (a viva voce vote) (                     yeas,                      nays)

MAY 08 2007

Senate and Constitutional 3 Day Rules suspended by a vote of 30 yeas, 1 nays

MAY 08 2007

Read third time,                     , and passed by a (viva voce vote) (30 yeas, 1 nays)AMEND CAPTION TO CONFORM  
TO THE BODY OF THE BILL

May 8, 2007 Returned to the House

## OTHER SENATE ACTION:

Anthony Spaul

SECRETARY OF THE SENATE

MAY 08 2007

Returned from the Senate (as substituted)  
(with amendments)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

MAY 14 2007

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (~~record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting~~)

MAY 14 2007

House conferees appointed: Giddings, Chair; Bailey,  
Elkins, Solomons, Zedler

MAY 17 2007

Senate granted House request. Senate conferees appointed: Lucio, Chair;

CARONA, DUNCAN, FRASER, Van de Putte

MAY 25 2007

Conference committee report adopted (rejected) by the House by a (~~record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting~~)  
(record vote of 135 yeas, 0 nays, 2 present, not voting)

MAY 25 2007

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of 30 yeas, 0 nays)

7 MAR 30 PM 11:06 07 MAY -8 PM 8:51  
HOUSE OF REPRESENTATIVES